

Name: ERICA MONTGOMERY  
Mailing Address: 2440 Sanborn Dr  
Sedona, AZ 86336  
Daytime Telephone No.: 602.677.5595  
Representing Self, without a Lawyer  
With Assistance of: CHRIS MAGIS NERO, Private Attorney General  
Per Article IV, Section 4 – U.S. Constitution

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA – PRESCOTT DIVISION**

Case No: **CR25-08084-PCT-GMS**

THE STATE OF ARIZONA,  
Plaintiff(s),

vs.

ERICA ANN MONTGOMERY,  
Defendant(s).

**EMERGENCY MOTION  
FOR TEMPORARY  
RESTRAINING ORDER  
AND PRELIMINARY  
INJUNCTION**

COMES NOW We the People, by and through Erica Ann Montgomery, the living woman and secured party in trust, assisted by Chris Magis Nero, Private Attorney General and fiduciary discharge administrator, invoking rights protected under the Constitution, trust law, and commercial remedy provisions in equity. This emergency motion is tendered to halt unlawful state action and preserve the dignity and sovereignty of the People.

**I. GROUNDS FOR RELIEF**

This motion is made on the grounds that:

1. The State Court continues to unlawfully prosecute a matter that has been discharged by lawful federal instruments (IRS Forms 1099-A, 1099-OID).
2. The presiding judge, Krista M. Carman, has refused to issue the required IRS Form 1099-B or acknowledge the fiduciary discharge on file.
3. The Defendant is being deprived of due process and commercial remedy under federal law.

1 **II. LEGAL AUTHORITY**

2 This Court has jurisdiction under 28 U.S.C. §§ 1441, 1443, and 1446. Immediate  
3 injunctive relief is proper under Rule 65 where the moving party has shown likelihood  
4 of success, irreparable harm, and absence of an adequate remedy at law.

5 **III. RELIEF REQUESTED**

6 The Defendant respectfully requests:

- 7 1. An immediate Temporary Restraining Order enjoining all actions in state court.  
8 2. A Preliminary Injunction pending this Court's full adjudication.  
9 3. Recognition and enforcement of the commercial discharge and fiduciary remedy  
10 already on file.

11 **JUDICIAL NOTICE**

12 Defendant hereby gives notice that the refusal by state officials to acknowledge  
13 federally tendered commercial instruments constitutes:

- 14 - Tax evasion (26 U.S.C. § 7201),  
15 - Obstruction of commerce (15 U.S.C. §§ 1, 2),  
16 - Denial of constitutional protections under the 5th, 6th, and 14th Amendments.

17 Respectfully submitted,

18  
19 By: 

20 Erica Ann Montgomery, In Propria Persona

21  
22 By: 

23 Chris Magis Nero, Private Attorney General

24 Special Counsel & Trust Executor  
25  
26  
27  
28

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the attached Filing Packet, including the Notice of Removal and State Filing Notice, was served on May 23, 2025, via personal delivery or U.S. Mail to the following parties:

- Clerk of Court, Yavapai County Superior Court

2840 Commonwealth Drive

Camp Verde, Arizona 86322

- Office of the Prosecutor

Yavapai County Attorneys Office

- Clerk of the Court

United States District Court

Prescott Division – District of Arizona

By: 

Erica Ann Montgomery, In Propria Persona

By: 

Chris Magis Nero, Private Attorney General

1 Name: ERICA MONTGOMERY  
2 Mailing Address: 2440 Sanborn Dr  
3 Sedona, AZ 86336  
4 Daytime Telephone No.: 602.677.5595  
5 Representing Self, without a Lawyer  
6 With Assistance of: CHRIS MAGIS NERO, Private Attorney General  
7 Per Article IV, Section 4 – U.S. Constitution  
8

9  
10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE DISTRICT OF ARIZONA – PRESCOTT DIVISION**  
12

13 THE STATE OF ARIZONA,  
14 Plaintiff(s),  
15

16 vs.

17 ERICA ANN MONTGOMERY,  
18 Defendant(s).  
19

20 **Case No:**  
21 **NOTICE OF REMOVAL**  
22 **TO FEDERAL COURT**  
23 **PURSUANT TO 28 U.S.C. §§**  
24 **1441, 1443, 1446**  
25

26 COMES NOW, Erica Ann Montgomery, in propria persona, by and through lawful  
27 assistance of Private Attorney General and Special Counsel, Chris Magis Nero, and pursuant to  
28 28 U.S.C. §§ 1441, 1443, and 1446, respectfully submits this Notice of Removal of the action  
from the Yavapai County Superior Court, Arizona, Case No. S1300CR202380567, to the  
United States District Court for the District of Arizona.

29 **GROUND FOR REMOVAL:**

- 30 1. Violation of Constitutional Rights under 28 U.S.C. § 1443(1) including due process, fair trial,  
31 and discharge remedy rights.  
32 2. Federal Question Jurisdiction under 28 U.S.C. § 1331 involving 15 U.S.C. §§ 1, 2, and 26  
33 U.S.C. § 7201.  
34 3. Fiduciary dishonor and commercial remedy obstruction.  
35 4. Conflict with federal interests, with state actors operating in bad faith under color of law.

**RELIEF REQUESTED:**

- Acceptance of jurisdiction by this federal court.
- Immediate stay of state proceedings.
- Recognition of the discharge remedy and enforcement of fiduciary obligations.

All rights reserved without prejudice under UCC 1-308 and preserved in trust.

Respectfully submitted,

By: 

Erica Ann Montgomery

Defendant-in-Propria Persona

By: 

Chris Magis Nero

Private Attorney General

Special Counsel for Erica Ann Montgomery

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the attached Filing Packet, including the Notice of Removal and State Filing Notice, was served on May 23, 2025, via personal delivery or U.S. Mail to the following parties:

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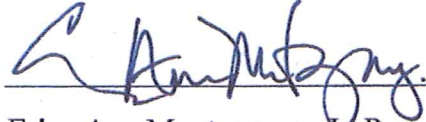
Yavapai County Attorneys Office

- Clerk of the Court

United States District Court

Prescott Division – District of Arizona

By:



Erica Ann Montgomery, In Propria Persona

By:



Chris Magis Nero, Private Attorney General

YAVAPAI COUNTY ATTORNEY'S OFFICE  
Firm No. 00048700  
Matthew Polk, SBN 031523  
Deputy County Attorney  
2830 North Commonwealth Drive, Suite 106  
Camp Verde, AZ 86322  
(928) 567-7717  
ycao@yavapaiaz.gov

Attorneys for STATE OF ARIZONA

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI**

**STATE OF ARIZONA,**

Plaintiff,

vs.

**ERICA ANN MONTGOMERY,**

Defendant.

CAUSE NO. S1300CR202380567

**STATE'S RESPONSE TO  
DEFENDANT'S NOTICE AND  
DEMAND FOR COUNSEL OF  
CHOICE**

Assigned to Hon. Michael R. Bluff

1       The State of Arizona, by and through Dennis M. McGrane, Yavapai County  
2 Attorney, and his deputy undersigned, or course agrees that Defendant is entitled to  
3 counsel of her choice so long as that person is a licensed attorney. "Except as provided in  
4 Rule 31.3, a person, entity, or ABS who is not authorized to practice law in Arizona  
5 under Rule 31.1(a), (c), or Rule 31.3 must not... engage in the practice of law or provide  
6 legal services in Arizona." AZ ST S CT Rule 31.2. It does not appear that Steven-Lee  
7 McMillan is a licensed attorney. Therefore, Mr. McMillan may not act as counsel of  
8 record in this matter.

9       It is also not exactly clear what Defendant is requesting Mr. McMillan be allowed  
10 to do, but a similar request appears to have been addressed in a memorandum decision in  
11 Division 2 of the Arizona Court of Appeals. Where it was clear the defendant sought non-  
12 attorney counsel, "[t]he trial court did not abuse its discretion in denying Gordon a non-

COUNT 2**AGGRAVATED ASSAULT**

ERICA ANN MONTGOMERY, on or about November 3, 2023, knowing, or having reason to know, that Catherine Beers was a peace officer, recklessly did cause physical injury to Catherine Beers, a peace officer, in violation of A.R.S. §§ 13-1203, 13-1204(A)(8)(a), 13-701, 13-702, and 13-801, a class 4 Felony.

COUNT 3**AGGRAVATED ASSAULT**

ERICA ANN MONTGOMERY, on or about November 3, 2023, knowing, or having reason to know, that Jesse Santos was a peace officer, knowingly did touch Jesse Santos, a peace officer, with the intent to injure, insult or provoke him (striking with fists), in violation of A.R.S. §§ 13-1203, 13-1204(A)(8)(a), 13-701, 13-702, and 13-801, a class 5 Felony.

COUNT 4**RESISTING ARREST**

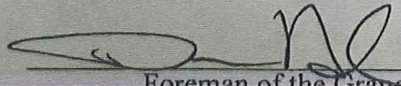
ERICA ANN MONTGOMERY, on or about November 3, 2023, intentionally prevented or attempted to prevent Catherine Beers and/or Jesse Santos, persons reasonably known to her to be peace officers, acting under color of their official authority, from effecting an arrest by using or threatening to use physical force against the peace officer, in violation of A.R.S. §§ 13-2508(A)(1), 13-701, 13-702, and 13-801, a class 6 Felony.

11/09/2023

Dennis M. McGrane  
Yavapai County Attorney

A TRUE BILL  
(Foreman writes "A True Bill")

By: 

  
Foreman of the Grand Jury

Name: ERICA MONTGOMERY  
 Mailing Address: 2440 SANBORN  
SEDONA AZ  
 Daytime Telephone No.: 602-677-5515  
 Representing Self, without a Lawyer

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
 IN AND FOR THE COUNTY OF YAVAPAI

STATE of ARIZONA  
 Petitioner/Plaintiff

Case No. 1300

VS

MOTION TO CONTINUE  
 MOTION TO DISMISS  
 MOTION TO \_\_\_\_\_

DIVISION: \_\_\_\_\_

ERICA MONTGOMERY  
 Respondent/Defendant

☐ Oral Argument Requested

ORDER SOUGHT: The undersigned party moves that the Court enter the following order:  
to CONTINUE arraignment Scheduled on Nov. 17th 2023  
to a DATE CONVENIENT OF THE COURT'S future schedule.  
I HAVE NOT yet secured legal counsel.

GROUND: The procedural rule upon which this motion is based is on 6th & 14th Amendment and the substantive legal and factual grounds justifying the entry of the above order are contained in \_\_\_\_\_

- ☐ A memorandum of legal points, statutes and authorities attached as Exhibit \_\_\_\_\_  
☐ Affidavits attached as Exhibits \_\_\_\_\_  
☐ Documents attached as Exhibits \_\_\_\_\_  
☒ Other documentation as follows: SEEKING LEGAL COUNSEL

Nov 16th 2023  
 Date

[Signature]  
 Signature

Copy of this pleading mailed to:

Name: ERICA MONTGOMERY  
 Address: 2440 SANBORN DR  
 City, State, Zip SEDONA AZ 86336  
 By: [Signature]

Date mailed: \_\_\_\_\_



**CITY OF SEDONA, ARIZONA POLICE DEPARTMENT**  
Records Section, 100 Roadrunner Drive  
Sedona, AZ 86336

**PUBLIC RECORDS REQUEST**

YOUR NAME: <u>ERICA MONTGOMERY</u>	Phone #: <u>1002.677.5595</u>
ADDRESS: <u>2440 SAN BORNE DR</u>	City: <u>Sedona</u> State: <u>AZ</u> Zip: <u>86336</u>
<small>I hereby certify under penalty of perjury that the requested records will not be used for commercial purpose as defined in ARS 39.121.03</small>	
Your signature: <u>[Signature]</u>	Date: <u>11.20.23</u>

*The following information is required before a records search will be conducted for your information.*

PLEASE "PRINT" CLEARLY

Purpose of Request: <input checked="" type="checkbox"/> Victim <input type="checkbox"/> Witness <input type="checkbox"/> Insurance Claim <input type="checkbox"/> Commercial	
( ) Other: <u>I HEREBY REQUEST THE BODY CAM, CAR CAM &amp; AUDIO FOR ALL PATROL CARS ON SITE THAT NIGHT FROM 9:45 pm Nov 3 2023 till the END OF ALL SHIFT FOR ALL WHO WERE PRESENT</u>	
Police Report Number: <u>CF2023000536, 230014050, J-1302-CF-2023000536, S-1300-CR-20230567</u>	
Date & Time Reported to Police: <u>11.3.23 @ 22:02</u>	
Exact Date, Time, Location of Incident: <u>WSR 89A &amp; SOLDIERS PASSRD in front of TAMALIZA PARKING LOT</u>	
Person's name on Record: <u>ERICA MONTGOMERY</u>	Nature of Incident:
Date of Birth: <u>10.19.1977</u>	<input type="checkbox"/> Accident <input type="checkbox"/> Adult Contact Records Search
	<input checked="" type="checkbox"/> Assault <input type="checkbox"/> Burglary <input type="checkbox"/> Domestic Violence
	<input type="checkbox"/> Theft <input type="checkbox"/> Other: _____

**The cost for copies is as follow:**

- \$10.00 per Police Report up to 20 pages; plus \$0.25 per page over 20 pages
- \$15.00 per CD
- \$8.00 per Accident Report up to 20 pages; plus \$0.25 per page over 20 pages
- \$15.00 per hour Data Analysis Reports

Note: If it appears from your request that the cost of reproducing documents or electronic copies will be more than \$25.00, the City will submit an estimate of such costs and will require payment prior to producing the requested documents. Upon fulfilling your request, the City will calculate the actual cost of the requested documents and will either reimburse you for overages paid or will require full payment of the balance before releasing the requested documents.

**REQUESTER, DO NOT WRITE BELOW THIS LINE**

Amount Received \$ \_\_\_\_\_ Payment received in form of: Cash \_\_\_\_\_ Check \_\_\_\_\_ Other \_\_\_\_\_

Initials & I.D. # of employee receiving request: \_\_\_\_\_

Date: \_\_\_\_\_ Mail Record \_\_\_\_\_ Will Pick-Up \_\_\_\_\_

- ( ) Enclosed is the Sedona Adult Contact Record you requested.
- ( ) Enclosed is the record you requested. The record was not edited.
- ( ) Per Arizona Supreme Court guidelines, the attached record has been edited due to:
- |   |  |
|---|--|
| ( ) Ongoing criminal investigation.     | ( ) Confidentiality rights of individuals named within.  |
| ( ) Privacy right of individuals named. | ( ) The release of investigative techniques or other matters may be detrimental to the best interest of the State. |
- ( ) This incident occurred out of Sedona Police jurisdiction. Contact \_\_\_\_\_
- ( ) Other \_\_\_\_\_

Initials & I.D. # of Records Tech Processing: \_\_\_\_\_

Date Processed: \_\_\_\_\_ Mailed Record Request \_\_\_\_\_ Placed at pick-up window \_\_\_\_\_ Email \_\_\_\_\_

YAVAPAI COUNTY ATTORNEY'S OFFICE  
Firm No. 00048700  
Mike Morrison, SBN 005333  
Deputy County Attorney  
255 East Gurley Street  
Prescott, AZ 86301  
(928) 777-7355  
ycao@yavapaiaz.gov

FILED

NOV 07 2023

Verde Valley  
Justice Court

Attorneys for STATE OF ARIZONA

IN THE VERDE VALLEY JUSTICE COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

vs.

ERICA ANN MONTGOMERY,

Defendant.

NO. CF2023000536

Rule 123 Does Not Apply  
DR.230014050

VICTIM - COMPLAINT

FELONY

1 The Complainant, **Mike Morrison**, complains on information and belief against  
2 **Erica Ann Montgomery**, charging that in Verde Valley Precinct, Yavapai County,  
3 Arizona:

4 **COUNT 1**

5 **AGGRAVATED ASSAULT PER DANGEROUS**

6 **ERICA ANN MONTGOMERY**, on or about November 3, 2023, using a crowbar and/or a  
7 metal object, a deadly weapon or dangerous instrument, intentionally, knowingly, or  
8 recklessly did cause a physical injury to Jesse Santos, a peace officer engaged in official  
9 duties, in violation of A.R.S. §§ 13-1203, 13-1204(A)(2), 28-3304, 28-3001, 28-3004, 28-  
10 3005, 28-3315, 13-701, 13-702, and 13-801, a class 2 Felony.

11 The State further alleges that the offense charged in this count is a dangerous felony  
12 because the offense involved the discharge, use, or threatening exhibition of a crowbar  
13 and/or a metal object, a deadly weapon or dangerous instrument, in violation of A.R.S. §§  
14 13-105 and 13-704.

**COUNT 2**  
**AGGRAVATED ASSAULT**

ERICA ANN MONTGOMERY, on or about November 3, 2023, knowing, or having reason to know, that Catherine Beers was a peace officer, recklessly did cause physical injury to Catherine Beers, a peace officer, in violation of A.R.S. §§ 13-1203, 13-1204(A)(8)(a), 13-701, 13-702, and 13-801, a class 4 Felony.

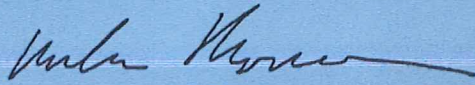
**COUNT 3**  
**AGGRAVATED ASSAULT**

ERICA ANN MONTGOMERY, on or about November 3, 2023, knowing, or having reason to know, that Jesse Santos was a peace officer, knowingly did touch Jesse Santos, a peace officer, with the intent to injure, insult or provoke him (striking with fists), in violation of A.R.S. §§ 13-1203, 13-1204(A)(8)(a), 13-701, 13-702, and 13-801, a class 5 Felony.

**COUNT 4**  
**RESISTING ARREST**

ERICA ANN MONTGOMERY, on or about November 3, 2023, intentionally prevented or attempted to prevent Catherine Beers and/or Jesse Santos, persons reasonably known to her to be peace officers, acting under color of their official authority, from effecting an arrest by using or threatening to use physical force against the peace officer, in violation of A.R.S. §§ 13-2508(A)(1), 13-701, 13-702, and 13-801, a class 6 Felony.

**RESPECTFULLY SUBMITTED** this 7th day of November, 2023.  
SigPlus1

  
By: 11/07/2023 12:18:39 pm  
Mike Morrison  
Deputy County Attorney

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA

vs

ERICA ANN MONTGOMERY  
(Defendant) [D- ]) S1300CR202380567  
) 1300CR  
) Div. SPT Date November 8, 2023  
) Hon. JOHN W. ERICKSON

## EARLY DISPOSITION COURT

(MINUTE ENTRY: EARLY DISPOSITION COURT)

## FILED

Date: November 8, 2023

5 o'clock P.M.

Donna McQuality, Clerk

By: K. BICKEL ✓  
Deputy

Advisement: START TIME: 8:08a .m. END TIME: 8:14a .m.

Hearing: START TIME: 9:00a .m. END TIME: 10:01a .m.

Victim case : ☒ yes ☐ noCounty Attorney/Attorney General is represented by Mike Morrison via ☐ phone ☐ video ☐ TEAMSDefendant is /is not present (☒ in custody) via ☐ phone ☐ video ☐ TEAMS ☐ Defendant's presence is waived.Defendant is represented by Anthony Petty for V. Countryman present via ☐ phone ☐ video ☐ TEAMS☐ IT IS ORDERED: Warrant shall issue: Nationwide/Statewide/Surrounding states, \$ \_\_\_\_\_ cash/surety bond.☐ Defendant requests Court-appointed counsel; is/is not sworn; is questioned as to indigency.☐ THE COURT FINDS Defendant is/is not indigent.☐ IT IS ORDERED: appointing the Yavapai County Public Defender/Contract Administrator to represent Defendant.☐ Defendant must Pay \$25.00 Public Defender Fee to Clerk of Superior Court If Not Already Paid ☐ within 30 days☐ IT IS ORDERED the Clerk shall correct the Defendant's name on Court records to \_\_\_\_\_☐ Request for Rule 11 Evaluation made by ☐ Defense ☐ Court ☐ County Attorney☐ Court orders appointing \_\_\_\_\_ to conduct ☐ Rule 11 Prescreen ☐ Full Rule 11 Eval. [AE]☐ Defendant rejects the Plea Offer.☐ Defendant requests a Preliminary Hearing.☐ Defendant Waives Preliminary Hearing and Rule 13.2 ☐ Defense has 10 days to file the waiver.☐ Assigning this matter to Division \_\_\_\_\_ Case Master ☐☐ The State shall file an Information within 10 days.IT IS ORDERED ☒ setting ☐ continuing:☐ Early Disposition Hearing on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ .m. in EDC [AE]☐ Arraignment on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ .m. in Div. \_\_\_\_\_ [AE / AE]☒ Preliminary Hearing on Nov 9, 2023, at 4:00p .m. in Div. 1 [AE]☐ Status Conference on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ .m. in Div. \_\_\_\_\_ [AE]☐ DEFENDANT IS ADVISED OF THE CONSEQUENCES OF FAILURE TO APPEARTime is/will be ☐ excluded ☐ not excluded ☐ pursuant to Rule 8 ☐ pursuant to Rule 11 ☐ waived for Preliminary Hearing☐ The State will leave the plea offer open.☐ Defendant shall stay in contact with his/her attorney.☐ The plea offer is withdrawn.☐ Defendant shall have no contact with victim(s).☒ Confirming the conditions of release previously set.☒ Denying request to modify release conditions.☐ Modifying release conditions \_\_\_\_\_ [AE]☒ Defense requests to modify release conditions. Victim rights have not been complied with.☒ County Atty. (e)☐ AG (e)☒ Div. 1 (e)☐ Financial Services (e)☐ Court Admin - INT (e)☐ Victim Services (e)☒ EDC JA (e)☒ Def Atty. Ken Countryman☒ YCSO: Detention Records (e)☐ Sheriff Warrants (e)☐ PT Services (e)☒ Other Anthony Petty (e)☐ Bond Poster (warrant issued)☒ PD(e)

Court Clerk K. BICKEL

Court Reporter FTR GOLD

Interpreter

TOTAL 0

EDC HRG Rev. 4/24/2023

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI**

STATE OF ARIZONA

vs

ERICA ANN MONTGOMERY

Defendant [D-1]

) S1300CR202380567  
 ) 1300CR  
 ) Div. 1 Date November 17, 2023  
 ) Hon. Thomas Kelly for Michael P. McGill  
 ) **ARRAIGNMENT** [Minute Entry: Arraignment]

**FILED**  
**Date: November 17, 2023**  
5 o'clock P.M.  
**Donna McQuality, Clerk**  
**By: T. Pocius**  
**Deputy**

START TIME: 11:04 a.m. END TIME: 11:07 a.m.  
 Victim case: ☒ yes ☐ no

County Attorney/Attorney General is represented by Jonathan Hale via ☐ phone ☐ video ☒ TEAMS

Defendant is ~~is not present~~ (☐ in custody) via ☐ phone ☐ video ☐ TEAMS

Defendant is represented by Kenneth Countryman present via ☐ phone ☐ video ☒ TEAMS

☐ Defendant is not present but has signed and filed a written notarized waiver of personal appearance and entry of not guilty plea as required by Rule 14.2, of the Ariz.R.Crim.P.

☐ Defendant requests Court-appointed counsel; is / is not sworn; is questioned as to indigency.

☐ IT IS ORDERED ☐ appointing ☐ confirming ☐ Yavapai County Public Defender / Contract Administrator to provide representation for the Defendant. ☐ Denying the Defendant's request for Court-appointed counsel.

☐ Defendant is advised of the right to a jury trial.

☐ Defendant states his/her name is / is not correct on the Indictment/Information, waives its reading, enters a plea of

☐ NOT GUILTY ☐ GUILTY ☐ NO CONTEST to the charges set forth therein.

☐ Counsel requests the matter be sent to the Trial Division. The State does/does not object.

☐ Counsel requests the matter remain in Div. 1 for a Pretrial Conference in \_\_\_\_\_ days. The State does/does not object.

☒ The Court has been provided with Defense Counsel Countryman's Motion to Withdraw as Counsel of Record.

IT IS ORDERED ☐ setting ☒ continuing ☐ confirming:

☐ Pretrial Conference on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ .m., in Div. \_\_\_\_\_ [AE]

☐ PTC/Settlement Conf./Poss. Change of Plea \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ .m., in Div. \_\_\_\_\_ [AE]

☐ Case Management Conference on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ .m., in Div. \_\_\_\_\_ [AE]

☐ Status Conference on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ .m., in Div. \_\_\_\_\_ [AE]

☒ Arraignment December 22, 2023, at 11:00 a.m., in Div. 1

☒ The Defendant is advised of the consequences of failure to appear. ☐ Defendant must appear in person at the next hearing.

☐ The State ☐ Defense Counsel requests to appear remotely at the next hearing. ☐ The request is denied.

IT IS ORDERED: ☐ The State ☐ Defense Counsel ☐ Defendant may appear remotely at the next hearing.

Time is ~~will be~~ ☒ excluded ☐ non-excluded ☐ pursuant to Rule 8 ☐ pursuant to Rule 11 ☐ by waiver of Defendant

☐ Counsel is directed to confer and file a report with the Court pursuant to Rule 16.4 prior to next hearing.

☐ Defendant waives Rule 15.8 disclosure. ☐ Rule 15.8 does not apply. ☐ Rule 8 time is set at \_\_\_\_\_

IT IS ORDERED:

☐ Defendant to be assessed by Pretrial Services.

☒ confirming existing release conditions. ☐ denying request to modify release conditions.

☐ modifying release conditions to \_\_\_\_\_ [AE]

☐ The Court advises defendant of the right to be present at all proceedings, that all proceedings other than sentencing may be held in defendant's absence and he/she may be charged with an offense and a warrant issued without further notice.

☐ Defendant is further advised that if his/her absence prevents sentencing from occurring within 90 days after conviction, Defendant may lose the right to have an appellate court review the proceeding by way of a direct appeal.

☒ IT IS ORDERED GRANTING Defense Counsel Countryman's Motion to Withdraw.

<input checked="" type="checkbox"/> County Atty (e) <input type="checkbox"/> AG (e)	<input checked="" type="checkbox"/> Def Atty Kenneth Countryman(e) <input type="checkbox"/> PD (e)	Court Clerk <u>T. Pocius</u>
<input checked="" type="checkbox"/> Victim Services (e)	<input type="checkbox"/> Pretrial Services (e)	Court Reporter <u>FTR Gold</u>
<input checked="" type="checkbox"/> Div. <u>1</u> & SPT (e) <input type="checkbox"/> w/file	<input type="checkbox"/> YCSO: Detention Records (e)	Interpreter _____
<input type="checkbox"/> Financial Services (e)	<input checked="" type="checkbox"/> Other Div. <u>7</u> (e)	
<input type="checkbox"/> Court Admin - INT (e)	<input type="checkbox"/> Notice of Exhibit Deadline provided	

TOTAL 0

Arraignment Rev. 12/29/2022

FILED  
// O'Clock 4.M.

NOV 09 2023 ✓

YAVAPAI COUNTY ATTORNEY'S OFFICE  
 Firm No. 00048700  
 Mike Morrison, SBN 005333  
 Deputy County Attorney  
 255 East Gurley Street  
 Prescott, AZ 86301  
 (928) 777-7355  
 ycao@yavapaiaz.gov

DONNA McQUALITY, Clerk  
 C BARTON  
 By: \_\_\_\_\_

Attorneys for STATE OF ARIZONA

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

vs.

ERICA ANN MONTGOMERY,

Defendant.

INDICTMENT

Grand Jury No. 238-GJ-235275

NO. S1300CR202380567

DIVISION 7

1 The Grand Jurors of Yavapai County, Arizona, accuse ERICA ANN  
 2 MONTGOMERY, charging that in Verde Valley Precinct, Yavapai County, State of Arizona:

3 COUNT 1

4 AGGRAVATED ASSAULT

5  
 6 ERICA ANN MONTGOMERY, on or about November 3, 2023, using a crowbar  
 7 and/or a metal object, a deadly weapon or dangerous instrument, intentionally, knowingly, or  
 8 recklessly did cause a physical injury to Jesse Santos, a peace officer engaged in official  
 9 duties, in violation of A.R.S. §§ 13-1203, 13-1204(A)(2), 28-3304, 28-3001, 28-3004, 28-  
 10 3005, 28-3315, 13-701, 13-702, and 13-801, a class 2 Felony.

11 The State further alleges that the offense charged in this count is a dangerous felony  
 12 because the offense involved the discharge, use, or threatening exhibition of a crowbar and/or  
 13 a metal object, a deadly weapon or dangerous instrument, in violation of A.R.S. §§ 13-105  
 14 and 13-704.